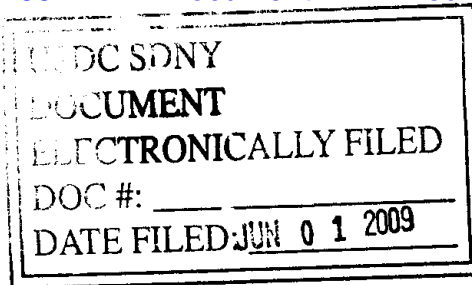


MANDATE



S.D.N.Y. - N.Y.C.
04-cv-165
Preska, J.
Mukasey, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 8th day of May, two thousand nine,

Present:

Hon. Reena Raggi,
Hon. Peter W. Hall,
Circuit Judges,
Hon. Gerard E. Lynch,*
District Judge.

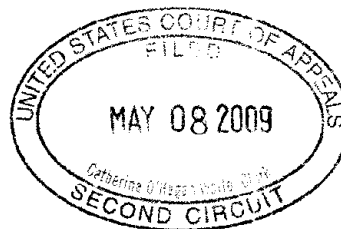
Paul Azzara,

Plaintiff-Appellant,

v.

Estee Lauder Companies, Inc., *et al.*,

Defendants-Appellees.



08-3314-cv

In May 2008, Appellant filed a notice of appeal challenging the district court's May 2008 order that denied his Fed. R. Civ. P. 60(b) motion and imposed a filing injunction. *See* S.D.N.Y. No. 04-cv-165, dkt. no. 17. In September 2008, Appellant filed an amended notice of appeal challenging the district court's subsequent July 2008 order. *Id.* at dkt. no. 20. Appellant, *pro se*, then moved, in this Court, for leave to proceed *in forma pauperis* on both appeals and Appellees moved to dismiss both appeals.

*The Honorable Gerard E. Lynch, of the United States District Court for the Southern District of New York, sitting by designation.

SAO-ACB

Issued as Mandate:

5/29/09

On March 3, 2009, this Court dismissed: (1) Appellant's September 2008 notice of appeal; and (2) the portion of Appellant's May 2008 notice of appeal that challenged the district court's denial of his Fed. R. Civ. P. 60(b) motion. U.S.C.A. dkt. sht. no. 08-3314-cv at 3/3/2009 entry. This Court denied Appellees' motion to dismiss the portion of the May 2008 notice of appeal that challenged the district court's filing injunction. *Id.*

This Court then noted that the Appellant had not filed an authorization form pursuant to the Prison Litigation Reform Act ("PLRA"). See 28 U.S.C. § 1915(b). *Id.* Accordingly, this Court ordered that, with respect to the portion of the May 2008 notice of appeal challenging the filing injunction, Appellant's motion to proceed *in forma pauperis* be held in abeyance, pending Appellant's filing of the requisite authorization form. *Id.* This Court ordered that Appellant file the authorization form within 30 days. *Id.*

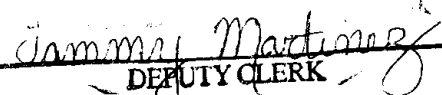
Appellant has failed to file the requisite authorization form in compliance with this Court's order and the PLRA, accordingly, Appellant's motion is denied, and his appeal is dismissed in its entirety. See 28 U.S.C. § 1915(a)(2), (b)(1)-(4); *Leonard v. Lacy*, 88 F.3d 181 (2d Cir. 1996).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by 
DEPUTY CLERK